

### **REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. The specification and claims 15, 17, 52, 54, 77 and 87 have been amended. Support for the amendments to the specification and the claims may be found throughout the specification and the claims as originally filed. No new matter has been added. Claims 16, 53 and 78 have been cancelled. Upon entry of the amendment, claims 1-15, 17-52 and 54-97 will be pending in the present application with claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82, 85, 87, 89 and 91 being independent.

#### **1. Consideration of Applicants' Arguments Regarding Restriction Requirement**

Applicants provisionally elected Group I, claims 1-90, with traverse, in response to the restriction requirement mailed February 28, 2005, which restricted the inventions of claims 1-97 into two groups. The Office Action mailed June 15, 2005, failed to address applicants' arguments that the inventions of Group I and Group II are related, sharing similar modes of operation, function and effect, and that the inventions of the two groups are sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the other group.

Applicants request that the arguments presented in the April 5, 2005, Response to Office Action regarding the restriction of the inventions of claims 1-97 be fully considered and addressed by the Examiner. Further, applicants request that the Examiner formally address the disposition of claims 91-97.

#### **2. Objections to the Specification**

The Office Action objects to the specification due to informal errors occurring on pages 3

and 4. The specification has been amended to correct those errors. No new matter has been added. Applicants submit that the amendments to the specification overcome the objections.

**3. Rejection of Claims 1-14 Under 35 U.S.C. §112**

The Office Action rejects claims 1-14 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action asserts that claims 1-14 contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants have amended the specification to note that the data-transmission/receiving component is also known as a wireless communication component, as recited in independent claims 1 and 2, and included in dependent claims 3-14. This amendment to the specification is supported by the original claims and specification as filed, and no new matter has been added. Therefore, applicants submit that the rejection of claims 1-14 under 35 U.S.C. §112, first paragraph, are rendered moot.

**4. Rejection of Claims 1-90 Under 35 U.S.C. §102(b)**

The Office Action rejects claims 1-90 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,732,074 to Spaur et al. ("Spaur"). Applicants respectfully traverse this rejection.

Spaur discloses a mobile portable wireless communication system including a computer terminal at a remote site that can communicate with a first standard communications network link, such as the Internet, through a modem. The computer terminal supplies a browser with an

IP (internet protocol) address that is associated with a particular vehicle including communications related hardware contained in the vehicle. Typically, the IP address is accompanied by a request or command for information or data that is available from the vehicle (see col. 2, lines 25-37; Figures 1 and 2). The system allows for bi-directional communication between one or more remote stations 10a-10n and a vehicle, which includes a wireless device 18 that is able to transmit and receive information via an airlink to the remote stations and allows for bi-directional communication with a controller 30 in the vehicle (see col. 5, lines 41-43; col. 6, lines 3-14). The controller 30 includes a TCP/IP stack, which acts on a received request or command by performing a number of functions. The received request has an IP address associated with it that is checked for accuracy (see col. 3, lines 1-4).

On page 4 of the Office Action, the Examiner appears to interpret the term “schema” as recited in the claims as an IP address. However, the term “schema” as recited in the claims is described in the specification as featuring:

an address that describes a location of a diagnostic datum in the vehicle's computer memory. It can also describe a time or frequency that the data-collection component collects data from the vehicle's computer, or a time or frequency that the data-transmission component transmits an outgoing data packet (see specification, page 4, lines 19-22).

Spaur discloses that a vehicle or controller, or individual vehicle devices, are associated with IP addresses that are utilized by the Internet in connection with communicating information to and from a vehicle (see col. 11, lines 27-37). Therefore, in Spaur, IP addresses are used to identify physical components of the vehicle for data communication. Spaur does not disclose a schema identifying a subset of a set of operational characteristics that are monitored by an on-board diagnostic computer.

In contrast to Spaur, independent claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82,

85, 87 and 89 of the present application include, in some form, the element of a schema identifying a subset of a set of operational characteristics.

As discussed above, Spaur does not disclose these claim elements. Accordingly, claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82, 85, 87 and 89, and their respective dependent claims, are allowable.

## **5. Conclusion**

In view of the above, claims 1-90 clearly recite elements that are neither disclosed nor suggested by the prior art including Spaur. Applicants submit that such claims are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejections are requested.

Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

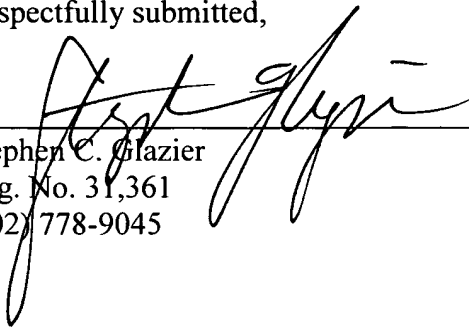
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Date: \_\_\_\_\_

14 Sept 07

Respectfully submitted,

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Stephen C. Glazier  
Reg. No. 31,361  
(202) 778-9045



Kirkpatrick & Lockhart Nicholson Graham LLP  
1800 Massachusetts Ave., NW  
2nd Floor  
Washington, DC 20036  
Tel: (202) 778-9000  
Fax: (202) 778-9100